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GOVERNMENT OF GOA

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NOTE

There is one Extraordinary issue to the Official Gazette, Series I No. 13 dated 27-6-2013, namely, Extraordinary dated 28-6-2013 from pages 691 to 692 regarding Market Borrowing Programme of State Governments, 2013-14 Not. No. 5-2-2012-Fin (DMU) from Department of Finance (Debt Management Division).

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GOVERNMENT OF GOA

Department of Agriculture

Notification

3/3/Hort/2/2013-14/D.Agr/144

The following scheme approved by the Government is published for the general information of the public.

1. *Short title and commencement.*— The scheme shall be called “Productivity Improvement in Cashew”.

The scheme shall come into force with immediate effect and shall remain in force till end of 12th plan period or till withdrawn whichever is earlier.

2. *Objectives.*— (i) To demonstrate the use of manures & soil conservation measures to improve productivity.

(ii) To meet the high market demand of cashewnut and cashew apple.

(iii) To maintain the soil health and prevent soil erosion in the areas under cashew cultivation.

(iv) To make cashew cultivation more reliable and economically more remunerative.

3. *Eligibility.*— •All the cashew growers recorded as owner or tenant or lessee would be considered for supply of manure and digging of trenches.

•The grower should have minimum of 2000m² of area under cashew with 40 yielding trees.

•Preference would be given for beneficiaries from one village/on cluster basis.

4. *Pattern of Assistance.*— 4.1. The manures would be supplied for demonstration to improve productivity for 75% of the yielding trees and 25% of the cashew trees would be left untreated as control with traditional practice. The farmer therefore would be provided with free manure for maximum of 75% of the yielding cashew trees.

4.2. Assistance would be provided for minimum of 30 trees (2000m²) and maximum 800 trees with additional 25% i.e. 10 and 200 trees respectively as control. (i) Each selected farmer shall be provided with manure worth Rs. 12,800/- for one hectare of yielding trees (200 trees) in proportion to trees owned by him besides Rs. 2,200 for digging contour trench across the slope to conserve water. The dose of manure for supply would be as below:

Sr. No.	Manure	Maximum rate per kg. (Rs.)	Quantity per tree (kg.)	Value (Rs.)
1.	Neem Cake	Rs. 11.00	5	55.00
2.	Rock Phosphate 18%	Rs. 9.00	1	9.00
3.	Cash assistance for digging contour trenches for water conservation	Rs. 11.00	1	11.00
TOTAL				75.00

4.3. The contour trenches across the slope shall be of dimension of minimum 1mtr x 30 cm x 30 cm and will be dug by the farmer.

4.4. The manure as per the number of trees shall be provided by Department of Agriculture or through any Farmers Co-operative Society, who are trading in manure and are ready to supply the Neem cake & Rock phosphate as per conditions approved by the Government. The supply will be made after receiving requisition form (Annexure II) duly signed by the concerned Zonal Agricultural Officer.

4.5. The Zonal Agricultural Officer shall issue the requisition slip (Annexure II) in duplicate to the society for supply of manures to the farmers with due record on the register for productivity improvement in cashew.

4.6. The supply will be made by the society after receiving the requisition form duly signed by the concerned Zonal Agricultural Officer/Assistant Agriculture Officer.

4.7. The Department of Agriculture would provide reimbursement of the cost of the manure maximum to the rate fixed above, to the co-op. society after verification of quality of the material supplied within the amount of Rs. 64/- per tree.

4.8. The payment towards contour trenches would be made by Zonal Agricultural Office upon receipt of claim under Electronic Clearing System (ECS), to the farmer directly to his bank account upon verification by monitoring staff of Zonal Agricultural Office.

5. *Guidelines and Procedure.*— 5.1. The farmer shall be required to apply in the prescribed form with fees of Rs. 20 in cash to the Zonal Agricultural Office.

5.2. The data of farmers shall be verified against his Krishi Card number or would be referred to the monitoring personnel to verify the eligibility.

5.3. Only 75% of the trees owned by the farmer will be covered for supply of manures. A maximum of 800 trees shall be considered for assistance.

5.4. The supplying Farmers Co-operative Societies shall purchase the inputs from the suppliers registered in other States or with quality certifying agencies like Ecocert/Indocert/HACCP, etc.

5.5. The manure supplying co-operative society shall submit a consolidated bill for settlement of the manures supplied every 15 days in Annexure III and the same will be verified against the requisition by the Zonal Agricultural Office and settled as per the admissible quantity/quality and the requisitions.

5.6. The quality of the manure supplied by the Farmers Co-operative Society shall be verified by Fertilizer Inspector and the payment of the manure supplied shall be done in proportion to the quality standards.

5.7. The Neem cake and Rock phosphate shall be supplied by the societies with following specifications:—

Sr. No.	Name of the Product	Minimum of Nutrient content
1.	Neem Cake	N: 1.5% P ₂ O ₅ : 0.12% K ₂ O: 1.00% Oil minimum 8% Saw dust & Silica less than 3% Moisture less than 15%
2.	Rock Phosphate	P ₂ O ₅ - Minimum 18%

5.8. In case of sub-standard supply the rate payable would be proportionately reduced. The maximum rate that would be allowed for supply of Neem cake would be Rs. 11.00 per kg and for Rock phosphate at Rs. 9 per kg.

(6) *Monitoring of supply of inputs.*— The identification of farmers collection of applications and monitoring the availability of manure and their supply through the designated co-operate society shall be done by engaging personnel on daily wages @ of Rs. 229/- per day. They will work for the farmers in concerned villages.

(7) *Creation of awareness among Farmers.*— Cashew growers shall be motivated to manure the trees by organizing awareness meeting. Expenditure towards charges for refreshment, hiring of hall, conveyance to the participants, diesel expenses etc., shall be met from the scheme of "Productivity Improvement in Cashew". Minimum 4500 farmers shall be covered under this awareness programme.

(8) *Interpretation.*— If any question arises regarding interpretation of any clause, word, expression of the scheme, the decision shall lie with the Government, which shall be final and binding on all concerned.

(9) *Redressal of Grievances and Disputes.*— Grievances if any, arising out of the implementation of this scheme, shall be heard and decided by the Minister for Agriculture and the decision of the Minister for Agriculture in this regard shall be final and binding on all concerned.

This issues with the concurrence of Finance Expenditure Department under U. O. No. Fin (Exp)/1476966 dated 03-06-2013.

By order and in the name of Governor of Goa.

Satish S. P. Tendulkar, Director & ex officio Jt. Secretary (Agriculture).

Caranzalem-Tonca, 26th June, 2013.

ANNEXURE I

Application Fee Rs. 20/-
 Receipt No.
 Dated

APPLICATION FORM FOR ASSISTANCE FROM AGRICULTURE DEPARTMENT

Category: GENERAL/WOMEN/SC/ST (Attach Certificate in case of SC/ST)
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To,
 The Zonal Agricultural Officer,

Sub.: Application for

Sir/Madam,

I hereby request for assistance as per the details attached herewith for the above Scheme.

- (1) Applicant's Name in Capital:
 (2) Applicant's Full Address:
 (3) Adhar Card No./Registration No.: (4) Phone No.:
 (5) Savings Bank Account No.:
 (6) Name of Bank: (7) Branch
 (8) MICR No. (9) IFSC Code:
 (10) Constituency

LAND DETAILS:

- (1) Survey No.: (2) Total Area: (3) Village:
 (4) Name of field/ward:

DECLARATION

I hereby declare and affirm that the property proposed for development/cultivation as above is in my exclusive possession by virtue of inheritance, lease, ownership, power of attorney, tenancy, co-owner and I am rightfully authorized for taking up the above activity.

I undertake to obtain all the approvals/NOCs required for the above activity from the Competent Authorities.

I hereby declare that the assistance sought by me will be used for the purpose for which it is granted and in the event of non-utilization for the specified purpose, I undertake to refund the full cost of the benefit extended to me, failing which, I authorize the Government to recover the same as revenue recovery.

I hereby admit that the assistance if provided will be based on my own submissions and that in case of any dispute on the title of the land, the assistance availed will not construe or used as legal evidence or proof for establishing title to the said property.

I hereby indemnify the Department of Agriculture towards damages or losses if any caused by the above activity.

I also declare, that I have not obtained any assistance towards the present proposal.

The officials of the Department of Agriculture will be free to inspect the activity proposed as and when required.

I hereby authorize the Department of Agriculture to credit the financial assistance admissible to me to my bank account.

.....
 Signature of the farmer

Name:

ANNEXURE II

Zonal Agricultural Office

REQUISITION

Reg. No. on Scheme

Date:

Sub.: Supply of Neem cake, Rock phosphate, under the scheme "Productivity Improvement in Cashewnut".

You are requested to supply the below mentioned quantity of Manure to the following under the scheme "Assistance for Improvement of Productivity in Cashewnut" and submit the bill along with the acknowledgement of the farmer as per the proforma.

Name of the farmer..... Village

Neem Cake kg. Rock Phosphate kg.

.....

Zonal Agricultural Officer

.....

Assistant Agricultural Officer (I/C)

To,
M/s Goa Bagayatdar Sahakari,
Kharedi Vikri Sauntha Maryadit,
..... Branch.

..... ACKNOWLEDGEMENT

I have received the manure as below

<u>Item</u>	<u>Quantity</u>	<u>Amount</u>
Neem Cake kgs
Rock Phosphate kgs

I authorize Director of Agriculture to pay the subsidy due to me for the above demonstration to M/s Goa Bagayatdar Sahakari Kharedi Vikri Society Ltd. towards the cost of inputs as above.

Signature of Farmer:

Name of Farmer:

Department of Education, Art & Culture

Directorate of Education

Notification

DE/Acad/Misc/RIM College/2013/1805

**SCHEME TO THE CADETS STUDYING
IN RIMC DEHARADUN, SAINIK SCHOOL,
SATARA OR ANY OTHER MILITARY
SCHOOL IN INDIA**

Introduction.— Rashtriya Indian Military College (RIMC) is a leading Institution in the country imparting Education for about 250 Cadets from Std. VIIIth to XIIth, State wise vacancies have been marked for admission to this College for students who qualify in All India Entrance Examination conducted biannually by respective State/UTs. The admission is purely on merit basis and the candidates qualifying in written examination have to undergo viva and medical examination.

Objective of the Scheme.— The objective of the scheme to the Cadets studying in Rashtriya Indian Military College (RIMC), Deharadun and Sainik School, Satara of Maharashtra is to encourage more Goan students to join the defense services. The RIMC and Sainik School, Satara are feeding Institutions to the National Defense Academy.

In order to achieve this, the Government of Goa is pleased to introduce the Goa State Scholarship scheme to Cadets studying in RIMC, & Sainik School, Satara of Maharashtra or any other Army School in India, as mentioned below:—

1. *Short title and commencement.*— (1) This scheme shall be called the scheme to Cadets studying in RIMC, Sainik School, Satara or any other Military School in India.

(2) 'Cadet' means one who is selected for admission and studying in (RIMC) Rashtriya Indian Military College, Deharadun and Sainik School, Satara of Maharashtra or any other Army School in India.

(3) 'Awardee' means one who is selected for admission and studying in (RIMC) Rashtriya Indian Military College Deharadun and Sainik School, Satara of Maharashtra or any other Army School in India.

(4) 'Scholarship' means amount instituted for the purpose.

(5) It shall come into force from the academic year, 2013-2014.

2. *Scope of the Scheme.*— The scheme to Cadets studying in (RIMC) Rashtriya Indian Military College Deharadun and Sainik School, Satara of Maharashtra or any other Army School in India shall cover the students studying in High Schools and Higher Secondary Schools which is crucial period of their education when the students would be required to decide about their future course of studies and the training in the above schools will further help the students to seek employment in the National Defense Academy. To achieve its objective this scheme to Cadets studying in RIMC, Rashtriya Indian Military College Deharadun and Sainik School, Satara of Maharashtra or any other Army School in India shall emphasize on provision of defense training to the students in the course of their studies and the State Government will partly award the Scholarship.

3. *Amount of Scholarship.*— Subject to admission and selected in (RIMC) Rashtriya Indian Military College Deharadun and Sainik School, Satara of Maharashtra or any other Army School in India. The quantum of Scholarship shall be Rs. 20,000/- per annum per Cadet for 10 Cadets in a year.

4. *Eligibility & Applications Process.*— (a) Any regular students enrolled from Std. VIII to XII in the Government and Non-Government recognized Schools under the Directorate of Education, Government of Goa, will be eligible to apply under this scheme from the Academic year, 2013-2014 onwards.

(b) The students who qualify in All India Entrance Examination conducted biannually will be eligible to apply under this scheme.

(c) The students shall submit the application in prescribed 'format' along with the 'Affidavit' of the parent/guardian on a twenty rupees stamp paper completed in all respects and Bonafide Certificate from the school.

(d) The eligible student should submit an application along with fee receipt issued by (RIMC) Rashtriya Indian Military College Deharadun and Sainik School, Satara of Maharashtra or any other Army School in India to the Directorate of Education, Porvorim-Bardez-Goa under this scheme for claim.

(e) The Selection Committee comprising of the Director of Education, Jt. Director of Accounts, and Dy. Director of Education, of this Directorate shall select the students eligible for the award of above Scholarship.

5. *Other terms and conditions.*— (i) The students eligible under this scheme shall not claim for any other benefits of similar nature from any other Department of State Government.

(ii) Any violations of the conditions to this scheme by the beneficiary students or his/ her parents/guardians will lead to disciplinary action under Goa School Education Act, 1984 and Rules, 1986 made thereunder.

(iii) The Government reserves the right to reject any application without assigning any reason.

The scheme is approved by the Government and concurrence of the Finance Department, Secretariat-Porvorim is obtained under No. 1475258 dated 30-4-2013.

By order and in the name of Governor of Goa.

Anil V. Powar, Director (Education).

Porvorim, 27th June, 2013.

Department of Finance

Debt Management Division

Press Communiqué

1-45-96/Fin(DMU) P.F.I.

GOA STATE DEVELOPMENT LOAN, 2013

It is notified for general information that the outstanding balance of **6.20% Goa State Development Loan 2013** issued in terms of the Government of **Goa**, Finance Department Notification No.1-45-2003-Fin(Bud) dated July 28, 2003, will be repaid at par on **July 30, 2013** with interest due up to and including July 29, 2013. In the event of a holiday being declared on the aforesaid date by any State Government under the Negotiable Instruments Act, 1881, the loan will be repaid by the paying offices in that State on the previous working day. **No interest will accrue on the loan from and after July 30, 2013.**

(2) As per sub-regulation 24(2) and 24(3) of Government Securities Regulations, 2007 payment of maturity proceeds to the registered holder of Government Security held in the form of Subsidiary General Ledger or Constituent Subsidiary General Ledger account or Stock Certificate shall be made by a pay order incorporating the relevant particulars of his bank account or by credit to the account of the holder in any bank having facility of receipt of funds through electronic means. For the purpose of making payment in respect of the securities, the original subscriber or the subsequent holders of such a Government Securities, as the case may be, shall submit to the Bank or Treasury and Sub-Treasury or branch of State Bank of India, or its subsidiary banks where they are enfacd/registered for payment of interest, as the case may be, the relevant particulars of their bank account.

(3) However, in the absence of relevant particulars of bank account/mandate for receipt of funds through electronic means, to facilitate repayment on the due date, holders of **6.20% Goa State Development Loan 2013**, should tender their securities at the Public

Debt Office, 20 days in advance. The securities should be tendered for repayment, duly discharged on the reverse thereof as under:—

“Received the Principal due on the Certificate”

(4) It should be particularly noted that at places where the treasury work is done by a branch of the State Bank of India or any of its associate banks, the securities, if they are in the form of Stock Certificates, should be tendered at the branch of the bank concerned and not at the Treasury or Sub-treasury.

(5) Holders who wish to receive payment at places other than those where the securities have been enfaced for payment should send them duly discharged to the Public Debt Office concerned by Registered and Insured Post. The Public Debt Office will make payment by issuing a draft payable at any Treasury/Sub-Treasury or branch of State Bank of India or its associate banks conducting Government Treasury work in the State of **Goa**.

B. Vijayan, Principal Secretary (Finance).

Porvorim, 1st July, 2013.



Department Law and Judiciary

Legal Affairs Division

—

Notification

10/3/2013-LA/78

The Criminal Law (Amendment) Act, 2013 (Central Act No. 13 of 2013), which has been passed by Parliament and assented to by the President on 2-4-2013 and published in the Gazette of India, Extraordinary, Part II, Section I dated 2-4-2013, is hereby published for the general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 25th June, 2013.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 2nd April, 2013/Chaitra 12, 1935 (Saka)

The following Act of Parliament received the assent of the President on the 2nd April, 2013, and is hereby published for general information:—

THE CRIMINAL LAW (AMENDMENT) ACT, 2013

No. 13 of 2013 [2nd April, 2013]

AN

ACT

further to amend the Indian Penal Code, the Code of Criminal Procedure, 1973, the Indian Evidence Act, 1872 and the Protection of Children from Sexual Offences Act, 2012.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title and commencement.*— (1) This Act may be called the Criminal Law (Amendment) Act, 2013.

(2) It shall be deemed to have come into force on the 3rd day of February, 2013.

CHAPTER II

Amendments to the Indian Penal Code

2. *Amendment of section 100.*— In the Indian Penal Code (hereafter 45 of 1860. in this Chapter referred to as the Penal Code), in section 100, after clause *Sixthly*, the following clause shall be inserted, namely:—

“*Seventhly.*— An act of throwing or administering acid or an attempt to throw

or administer acid which may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such act.”.

3. *Insertion of new sections 166A and 166B.*— After section 166 of the Penal Code, the following sections shall be inserted, namely:—

“166A. *Public servant disobeying direction under law.*— Whoever, being a public servant,—

(a) knowingly disobeys any direction of the law which prohibits him from requiring the attendance at any place of any person for the purpose of investigation into an offence or any other matter, or

(b) knowingly disobeys, to the prejudice of any person, any other direction of the law regulating the manner in which he shall conduct such investigation, or

(c) fails to record any information given to him under sub-section (1) of section 154 of the Code of Criminal Procedure, 1973, in relation to cognizable offence punishable under section 326A, section 326B, section 354, section 354B, section 370, section 370A, section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509, 2 of 1974.

shall be punished with rigorous imprisonment for a term which shall not be less than six months but which may extend to two years, and shall also be liable to fine.

166B. *Punishment for non-treatment of victim.*— Whoever, being in charge of a hospital, public or private, whether run by

the Central Government, the State Government, local bodies or any other person, contravenes the provisions of section 357C of the Code of Criminal Procedure, 1973, 2 of 1974. shall be punished with imprisonment for a term which may extend to one year or with fine or with both.”.

4. *Amendment of section 228A.*— In section 228A of the Penal Code, in sub-section (1), for the words, figures and letters “offence under section 376, section 376A, section 376B, section 376C or section 376D”, the words, figures and letters “offence under section 376, section 376A, section 376B, section 376C, section 376D or section 376E” shall be substituted.

5. *Insertion of new sections 326A and 326B.*— After section 326 of the Penal Code, the following sections shall be inserted, namely:—

‘326A. *Voluntarily causing grievous hurt by use of acid, etc.*— Whoever causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine:

Provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim:

Provided further that any fine imposed under this section shall be paid to the victim.

326B. *Voluntarily throwing or attempting to throw acid.*— Whoever throws or

attempts to throw acid on any person or attempts to administer acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt to that person, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.

Explanation 1.— For the purposes of section 326A and this section, “acid” includes any substance which has acidic or corrosive character or burning nature, that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability.

Explanation 2.— For the purposes of section 326A and this section, permanent or partial damage or deformity shall not be required to be irreversible.’

6. *Amendment of section 354.*— In section 354 of the Penal Code, for the words “shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both”, the words “shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine” shall be substituted.

7. *Insertion of new sections 354A, 354B, 354C and 354D.*— After section 354 of the Penal Code, the following sections shall be inserted, namely:—

‘354A. *Sexual harassment and punishment for sexual harassment.*— (1) A man committing any of the following acts—

(i) physical contact and advances involving unwelcome and explicit sexual overtures; or

(ii) a demand or request for sexual favours; or

(iii) showing pornography against the will of a woman; or

(iv) making sexually coloured remarks, shall be guilty of the offence of sexual harassment.

(2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(3) Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

354B. *Assault or use of criminal force to woman with intent to disrobe.*— Any man who assaults or uses criminal force to any woman or abets such act with the intention of disrobing or compelling her to be naked, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to seven years, and shall also be liable to fine.

354C. *Voyeurism.*— Any man who watches, or captures the image of a woman engaging in a private act in circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator or disseminates such image shall be punished on first conviction with imprisonment of either description for a term which shall not be less than one year, but which may extend to three years, and shall also be liable to fine, and be punished on a second or subsequent conviction, with imprisonment of either description for a

term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine.

Explanation 1.— For the purpose of this section, “private act” includes an act of watching carried out in a place which, in the circumstances, would reasonably be expected to provide privacy and where the victim’s genitals, posterior or breasts are exposed or covered only in underwear; or the victim is using a lavatory; or the victim is doing a sexual act that is not of a kind ordinarily done in public.

Explanation 2.— Where the victim consents to the capture of the images or any act, but not to their dissemination to third persons and where such image or act is disseminated, such dissemination shall be considered an offence under this section.

354D. *Stalking.*— (1) Any man who—

(i) follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or

(ii) monitors the use by a woman of the internet, email or any other form of electronic communication,

commits the offence of stalking:

Provided that such conduct shall not amount to stalking if the man who pursued it proves that—

(i) it was pursued for the purpose of preventing or detecting crime and the man accused of stalking had been entrusted with the responsibility of prevention and detection of crime by the State; or

(ii) it was pursued under any law or to comply with any condition or requirement imposed by any person under any law; or

(iii) in the particular circumstances such conduct was reasonable and justified.

(2) Whoever commits the offence of stalking shall be punished on first conviction with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and be punished on a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.’.

8. *Substitution of new sections 370 and 370A for section 370.*— For section 370 of the Penal Code, the following sections shall be substituted, namely:—

‘370. *Trafficking of person.*— (1) Whoever, for the purpose of exploitation, (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons, by—

First.— using threats, or

Secondly.— using force, or any other form of coercion, or

Thirdly.— by abduction, or

Fourthly.— by practising fraud, or deception, or

Fifthly.— by abuse of power, or

Sixthly.— by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received,

commits the offence of traffic king.

Explanation 1.— The expression “exploitation” shall include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs.

Explanation 2.— The consent of the victim is immaterial in determination of the offence of trafficking.

(2) Whoever commits the offence of trafficking shall be punished with rigorous imprisonment for a term which shall not be less than seven years, but which may extend to ten years, and shall also be liable to fine.

(3) Where the offence involves the trafficking of more than one person, it shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

(4) Where the offence involves the trafficking of a minor, it shall be punishable with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine.

(5) Where the offence involves the trafficking of more than one minor, it shall be punishable with rigorous imprisonment for a term which shall not be less than fourteen years, but which may extend to imprisonment for life, and shall also be liable to fine.

(6) If a person is convicted of the offence of trafficking of minor on more than one occasion, then such person shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

(7) When a public servant or a police officer is involved in the trafficking of any person then, such public servant or police officer shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

370A. *Exploitation of a trafficked person.*— (1) Whoever, knowingly or having

reason to believe that a minor has been trafficked, engages such minor for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than five years, but which may extend to seven years, and shall also be liable to fine.

(2) Whoever, knowingly by or having reason to believe that a person has been trafficked, engages such person for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than three years, but which may extend to five years, and shall also be liable to fine.'

9. *Substitution of new sections for sections 375, 376, 376A, 376B, 376C and 376D.*— For sections 375, 376, 376A, 376B, 376C and 376D of the Penal Code, the following sections shall be substituted, namely:—

'375. *Rape.*— A man is said to commit "rape" if he—

(a) penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or makes her to do so with him or any other person; or

(b) inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of a woman or makes her to do so with him or any other person; or

(c) manipulates any part of the body of a woman so as to cause penetration into the vagina, urethra, anus or any part of body of such woman or makes her to do so with him or any other person; or

(d) applies his mouth to the vagina, anus, urethra of a woman or makes her to do so with him or any other person,

under the circumstances falling under any of the following seven descriptions:—

First.— Against her will.

Secondly.— Without her consent.

Thirdly.— With her consent, when her consent has been obtained by putting her or any person in whom she is interested, in fear of death or of hurt.

Fourthly.— With her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

Fifthly.— With her consent when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

Sixthly.— With or without her consent, when she is under eighteen years of age.

Seventhly.— When she is unable to communicate consent.

Explanation 1.— For the purposes of this section, “vagina” shall also include *labia majora*.

Explanation 2.— Consent means an unequivocal voluntary agreement when the woman by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act:

Provided that a woman who does not physically resist to the act of penetration shall not by the reason only of that fact, be regarded as consenting to the sexual activity.

Exception 1.— A medical procedure or intervention shall not constitute rape.

Exception 2.— Sexual intercourse or sexual acts by a man with his own wife, the wife not being under fifteen years of age, is not rape.’.

‘376. *Punishment for rape.*— (1) Whoever, except in the cases provided for in sub-section (2), commits rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than seven years, but which may extend to imprisonment for life, and shall also be liable to fine.

(2) Whoever,—

(a) being a police officer, commits rape—

(i) within the limits of the police station to which such police officer is appointed; or

(ii) in the premises of any station house; or

(iii) on a woman in such police officer’s custody or in the custody of a police officer subordinate to such police officer; or

(b) being a public servant, commits rape on a woman in such public servant’s custody or in the custody of a public servant subordinate to such public servant; or

(c) being a member of the armed forces deployed in an area by the Central or a State Government commits rape in such area; or

(d) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a women’s or children’s institution, commits rape on any inmate of such jail, remand home, place or institution; or

(e) being on the management or on the staff of a hospital, commits rape on a woman in that hospital; or

(f) being a relative, guardian or teacher of, or a person in a position of trust or authority towards the woman, commits rape on such woman; or

(g) commits rape during communal or sectarian violence; or

(h) commits rape on a woman knowing her to be pregnant; or

(i) commits rape on a woman when she is under sixteen years of age;

(j) commits rape, on a woman incapable of giving consent; or

(k) being in a position of control or dominance over a woman, commits rape on such woman; or

(l) commits rape on a woman suffering from mental or physical disability; or

(m) while committing rape causes grievous bodily harm or maims or disfigures or endangers the life of a woman; or

(n) commits rape repeatedly on the same woman,

shall be punished with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

Explanation.— For the purposes of this sub-section,—

(a) “armed forces” means the naval, military and air forces and includes any member of the Armed Forces constituted under any law for the time being in force, including the paramilitary forces and any auxiliary forces that are under the control of the Central Government or the State Government;

(b) “hospital” means the precincts of the hospital and includes the precincts of any institution for the reception and treatment of persons during

convalescence or of persons requiring medical attention or rehabilitation;

(c) “police officer” shall have the same meaning as assigned to the expression “police” under the Police Act, 1861; 5 of 1861.

(d) “women’s or children’s institution” means an institution, whether called an orphanage or a home for neglected women or children or a widow’s home or an institution called by any other name, which is established and maintained for the reception and care of women or children.

376A. *Punishment for causing death or resulting in persistent vegetative state of victim.*— Whoever, commits an offence punishable under sub-section (1) or sub-section (2) of section 376 and in the course of such commission inflicts an injury which causes the death of the woman or causes the woman to be in a persistent vegetative state, shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, or with death.

376B. *Sexual intercourse by husband upon his wife during separation.*— Whoever has sexual intercourse with his own wife, who is living separately, whether under a decree of separation or otherwise, without her consent, shall be punished with imprisonment of either description for a term which shall not be less than two years but which may extend to seven years, and shall also be liable to fine.

Explanation.— In this section, “sexual intercourse” shall mean any of the acts mentioned in clauses (a) to (d) of section 375.

376C. *Sexual intercourse by a person in authority.*— Whoever, being—

(a) in a position of authority or in a fiduciary relationship; or

(b) a public servant; or

(c) superintendent or manager of a jail, remand home or other place of custody established by or under any law for the time being in force, or a women's or children's institution; or

(d) on the management of a hospital or being on the staff of a hospital,

abuses such position or fiduciary relationship to induce or seduce any woman either in his custody or under his charge or present in the premises to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than five years, but which may extend to ten years, and shall also be liable to fine.

Explanation 1.— In this section, "sexual intercourse" shall mean any of the acts mentioned in clauses (a) to (d) of section 375.

Explanation 2.— For the purposes of this section, *Explanation 1* to section 375 shall also be applicable.

Explanation 3.— "Superintendent", in relation to a jail, remand home or other place of custody or a women's or children's institution, includes a person holding any other office in such jail, remand home, place or institution by virtue of which such person can exercise any authority or control over its inmates.

Explanation 4.— The expressions "hospital" and "women's or children's institution" shall respectively have the same meaning as in *Explanation* to sub-section (2) of section 376.

376D. *Gang Rape.*— Where a woman is raped by one or more persons constituting a group or acting in furtherance of a

common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to life which shall mean imprisonment for the remainder of that person's natural life, and with fine:

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this section shall be paid to the victim.

376E. *Punishment for repeat offenders.*— Whoever has been previously convicted of an offence punishable under section 376 or section 376A or section 376D and is subsequently convicted of an offence punishable under any of the said sections shall be punished with imprisonment for life which shall mean imprisonment for the remainder of that person's natural life, or with death.'

10. *Amendment of section 509.*— In section 509 of the Penal Code, for the words "shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both", the words "shall be punished with simple imprisonment for a term which may extend to three years, and also with fine" shall be substituted.

CHAPTER III

Amendments to the Code of Criminal Procedure, 1973

11. *Amendment of section 26.*— In the Code of Criminal Procedure, 1973 (hereafter in this Chapter 2 of 1974. referred to as the Code of Criminal Procedure), in section 26, in the proviso to clause (a), for the words, figures and letters "offence under section 376 and sections 376A to 376D of the Indian Penal Code", the words, figures and letters "offence

under section 376, section 376A, section 376B, section 376C, section 376D or section 376E of the Indian Penal Code” shall be substituted. ^{45 of 1860.}

12. *Amendment of section 54A.*— In section 54A of the Code of Criminal Procedure, the following provisos shall be inserted, namely:—

“Provided that, if the person identifying the person arrested is mentally or physically disabled, such process of identification shall take place under the supervision of a Judicial Magistrate who shall take appropriate steps to ensure that such person identifies the person arrested using methods that person is comfortable with:

Provided further that if the person identifying the person arrested is mentally or physically disabled, the identification process shall be videographed.”.

13. *Amendment of section 154.*— In section 154 of the Code of Criminal Procedure, in sub-section (1), the following provisos shall be inserted, namely:—

“Provided that if the information is given by the woman against whom an offence under section 326A, section 326B, section 354, section 354A, section 354B, section 354C, section 354D, section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509 of the Indian Penal Code is alleged to have been committed or attempted, then such information shall be recorded, by a woman police officer or any woman officer: ^{45 of 1860.}

Provided further that—

(a) in the event that the person against whom an offence under section 354,

section 354A, section 354B, section 354C, section 354D, section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509 of the Indian Penal Code is alleged to have been committed or attempted, is temporarily or permanently mentally or physically disabled, then such information shall be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator, as the case may be;

(b) the recording of such information shall be videographed;

(c) the police officer shall get the statement of the person recorded by a Judicial Magistrate under clause (a) of sub-section (5A) of section 164 as soon as possible.”.

14. *Amendment of section 160.*— In section 160 of the Code of Criminal Procedure, in sub-section (1), in the proviso, for the words “under the age of fifteen years or woman”, the words “under the age of fifteen years or above the age of sixty-five years or a woman or a mentally or physically disabled person” shall be substituted.

15. *Amendment of section 161.*— In section 161 of the Code of Criminal Procedure, in sub-section (3), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that the statement of a woman against whom an offence under section 354, section 354A, section 354B, section 354D, section 354D, section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509 of the

Indian Penal Code is alleged to 45 of 1860.
have been committed or
attempted shall be recorded, by
a woman police officer or any
woman officer.”.

16. *Amendment of section 164.*— In section 164 of the Code of Criminal Procedure, after sub-section (5), the following sub-section shall be inserted, namely:—

“(5A) (a) In cases punishable under section 354, section 354A, section 354B, section 354C, section 354D, sub-section (1) or sub-section (2) of section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509 of the Indian Penal Code, the Judicial 45 of 1860.
Magistrate shall record the statement of the person against whom such offence has been committed in the manner prescribed in sub-section (5), as soon as the commission of the offence is brought to the notice of the police:

Provided that if the person making the statement is temporarily or permanently mentally or physically disabled, the Magistrate shall take the assistance of an interpreter or a special educator in recording the statement:

Provided further that if the person making the statement is temporarily or permanently mentally or physically disabled, the statement made by the person, with the assistance of an interpreter or a special educator, shall be videographed.

(b) A statement recorded under clause (a) of a person, who is temporarily or permanently mentally or physically disabled, shall be considered a statement in lieu of examination-in-chief, as specified in section 137 of the Indian Evidence Act, 1872 such 1 of 1872.
that the maker of the statement

can be cross-examined on such statement, without the need for recording the same at the time of trial.”.

17. *Amendment of section 173.*— In section 173 of the Code of Criminal Procedure, in sub-section (2), in sub-clause (h) of clause (i), for the words, figures and letter “or 376D of the Indian Penal Code”, the words, figures 45 of 1860.
and letters “376D or section 376E of the Indian Penal Code” shall be substituted.

18. *Amendment of section 197.*— In section 197 of the Code of Criminal Procedure, after sub-section (1), the following *Explanation* shall be inserted, namely:—

“*Explanation.*— For the removal of doubts it is hereby declared that no sanction shall be required in case of a public servant accused of any offence alleged to have been committed under section 166A, section 166B, section 354, section 354A, section 354B, section 354C, section 354D, section 370, section 375, section 376, section 376A, section 376C, section 376D or section 509 of the Indian Penal 45 of 1860.
Code.”.

19. *Insertion of new section 198B.*— After section 198A of the Code of Criminal Procedure, the following section shall be inserted, namely:—

“198B. *Cognizance of offence.*— No Court shall take cognizance of an offence punishable under section 376B of the Indian Penal Code where the 45 of 1860.
persons are in a marital relationship, except upon *prima facie* satisfaction of the facts which constitute the offence upon a complaint having been filed or made by the wife against the husband.”.

20. *Amendment of section 273.*— In section 273 of the Code of Criminal Procedure, before the *Explanation*, the following proviso shall be inserted, namely:—

“Provided that where the evidence of a woman below the age of eighteen years who is alleged to have been subjected to rape or any other sexual offence, is to be recorded, the court may take appropriate measures to ensure that such woman is not confronted by the accused while at the same time ensuring the right of cross-examination of the accused.”.

21. *Amendment of section 309.*— In section 309 of the Code of Criminal Procedure, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) In every inquiry or trial the proceedings shall be continued from day-to-day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded:

Provided that when the inquiry or trial relates to an offence under section 376, section 376A, section 376B, section 376C or section 376D of the Indian Penal Code, 45 of 1860. the inquiry or trial shall, as far as possible be completed within a period of two months from the date of filing of the charge sheet.”.

22. *Amendment of section 327.*— In section 327 of the Code of Criminal Procedure, in sub-section (2), for the words, figures and letter

(a) after the entries relating to section 166, the following entries shall be inserted, namely:—

1	2	3	4	5	6
“166A	Public servant disobeying direction under law	Imprisonment for minimum 6 months which may extend to 2 years and fine	Cognizable	Bailable	Magistrate of the first class.

“or section 376D of the Indian Penal Code”, the words, figures and letters “section 376D or section 376E of the Indian Penal Code” 45 of 1860. shall be substituted.

23. *Insertion of new sections 357B and 357C.*— After section 357A of the Code of Criminal Procedure, the following sections shall be inserted, namely:—

“357B. *Compensation to be in addition to fine under section 326A or section 376D of Indian Penal Code.*— The compensation payable by the State Government under section 357A shall be in addition to the payment of fine to the victim under section 326A or section 376D of the Indian Penal Code. 45 of 1860.

357C. *Treatment of victims.*— All hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other person, shall immediately, provide the first-aid or medical treatment, free of cost, to the victims of any offence covered under section 326A, 376, 376A, 376B, 376C, 376D or section 376E of the Indian Penal Code, and shall immediately inform the police of such incident.”. 45 of 1860.

24. *Amendment of First Schedule.*— In the First Schedule to the Code of Criminal Procedure, under the heading “I.-OFFENCES UNDER THE INDIAN PENAL CODE”,— 45 of 1860.

1	2	3	4	5	6
166B	Non-treatment of victim by hospital	Imprisonment for 1 year or fine or both	Non-cognizable	Bailable	Magistrate of the first class.";

(b) after the entries relating to section 326, the following entries shall be inserted, namely:—

1	2	3	4	5	6
"326A	Voluntarily causing grievous hurt by use of acid, etc.	Imprisonment for not less than 10 years but which may extend to imprisonment for life and fine to be paid to the victim	Cognizable	Non-bailable	Court of Session.
326B	Voluntarily throwing or attempting to throw acid	Imprisonment for 5 years but which may extend to 7 years and with fine	Cognizable	Non-bailable	Court of Session.";

(c) for the entries relating to section 354, the following entries shall be substituted, namely:—

1	2	3	4	5	6
"354	Assault or use of criminal force to woman with intent to outrage her modesty	Imprisonment of 1 year which may extend to 5 years, and with fine	Cognizable	Non-bailable	Any Magistrate.
354A	Sexual harassment of the nature of unwelcome physical contact and advances or a demand or request for sexual favours, showing pornography	Imprisonment which may extend to 3 years or with fine or with both	Cognizable	Bailable	Any Magistrate.
	Sexual harassment of the nature of making sexually coloured remark	Imprisonment which may extend to 1 year or with fine or with both	Cognizable	Bailable	Any Magistrate.
354B	Assault or use of criminal force to woman with intent to disrobe	Imprisonment of not less than 3 years but which may extend to 7 years and with fine	Cognizable	Non-bailable	Any Magistrate.
354C	Voyeurism	Imprisonment of not less than	Cognizable	Bailable	Any Magistrate.

1	2	3	4	5	6
		1 year but which may extend to 3 years and with fine for first conviction			
		Imprisonment of not less than 3 years but which may extend to 7 years and with fine for second or subsequent conviction	Cognizable	Non-bailable	Any Magistrate.
354D	Stalking	Imprisonment up to 3 years and with fine for first conviction	Cognizable	Bailable	Any Magistrate.
		Imprisonment up to 5 years and with fine for second or subsequent conviction	Cognizable	Non-bailable	Any Magistrate;"

(d) for the entries relating to section 370, the following entries shall be substituted, namely:—

1	2	3	4	5	6
"370	Trafficking of person	Imprisonment of not less than 7 years but which may extend to 10 years and with fine	Cognizable	Non-bailable	Court of Session.
	Trafficking of more than one person	Imprisonment of not less than 10 years but which may extend to imprisonment for life and with fine	Cognizable	Non-bailable	Court of Session.
	Trafficking of a minor	Imprisonment of not less than 10 years but which may extend to imprisonment for life and with fine	Cognizable	Non-bailable	Court of Session.
	Trafficking of more than one minor	Imprisonment of not less than 14 years but which may extend to imprisonment for life and with fine	Cognizable	Non-bailable	Court of Session.
	Person convicted of offence of trafficking	Imprisonment for life which shall	Cognizable	Non-bailable	Court of Session

1	2	3	4	5	6
	of minor on more than one occasion	mean the remainder of that person's natural life and with fine			
	Public servant or a police officer involved in trafficking of minor	Imprisonment for life which shall mean the remainder of that person's natural life and with fine	Cognizable	Non-bailable	Court of Session.
370A	Exploitation of a trafficked child	Imprisonment of not less than 5 years but which may extend to 7 years and with fine	Cognizable	Non-bailable	Court of Session.
	Exploitation of a trafficked person	Imprisonment of not less than 3 years but which may extend to 5 years and with fine	Cognizable	Non-bailable	Court of Session";

(e) for the entries relating to sections 376, 376A, 376B, 376C and 376D, the following entries shall be substituted, namely:—

1	2	3	4	5	6
"376	Rape	Rigorous imprisonment of not less than 7 years but which may extend to imprisonment for life and with fine	Cognizable	Non-bailable	Court of Session.
	Rape by a police officer or a public servant or member of armed forces or a person being, on the management or on the staff of a jail, remand home or other place of custody or women's or children's institution or by a person on the management or on the staff of a hospital, and rape committed by a person in a position of trust or authority towards the person raped or by a near relative of the person raped	Rigorous imprisonment of not less than 10 years but which may extend to imprisonment for life which shall mean the remainder of the person's natural life and with fine	Cognizable	Non-bailable	Court of Session.

1	2	3	4	5	6
376A	Person committing an offence of rape and inflicting injury which causes death or causes the woman to be in a persistent vegetative state	Rigorous imprisonment of not less than 20 years but which may extend to imprisonment for life which shall mean imprisonment for the remainder of that person's natural life or with death	Cognizable	Non-bailable	Court of Session.
376B	Sexual intercourse by husband upon his wife during separation	Imprisonment for not less than 2 years but which may extend to 7 years and with fine	Cognizable (but only on the complaint of the victim)	Bailable	Court of Session.
376C	Sexual intercourse by a person in authority	Rigorous imprisonment for not less than 5 years but which may extend to 10 years and with fine	Cognizable	Non-bailable	Court of Session.
376D	Gang rape	Rigorous imprisonment for not less than 20 years but which may extend to imprisonment for life which shall mean imprisonment for the remainder of that person's natural life and with fine to be paid to the victim	Cognizable	Non-bailable	Court of Session.
376E	Repeat offenders	Imprisonment for life which shall mean imprisonment for the remainder of that person's natural life or with death	Cognizable	Non-bailable	Court of Session.”;

(f) in entry relating to section 509, in column 3, for the words “Simple imprisonment for one year, or fine, or both,”, the words and figure “Simple imprisonment for 3 years and with fine” shall be substituted.

CHAPTER IV

Amendments to the Indian Evidence Act, 1872

25. *Insertion of new section*
53A.— After section 53 of the Indian

Evidence Act, 1872 (hereafter in this Chapter referred to as the Evidence Act), the following section shall be inserted, namely:—

“53A. *Evidence of character or previous sexual experience not relevant in certain cases.*— In a prosecution for an offence under section 354, section 354A, section 354B, section 354C, section 354D,

1 of 1872.

section 376, section 376A, section 376B, section 376C, section 376D or section 376E of the Indian Penal Code or for attempt to commit any such offence, where the question of consent is in issue, evidence of the character of the victim or of such person's previous sexual experience with any person shall not be relevant on the issue of such consent or the quality of consent.".

26. *Substitution of new section for section 114A.*— For section 114A of the Evidence Act, the following section shall be substituted, namely:—

'114A. *Presumption as to absence of consent in certain prosecution for rape.*— In a prosecution for rape under clause (a), clause (b), clause (c), clause (d), clause (e), clause (f), clause (g), clause (h), clause (i), clause (j), clause (k), clause (l), clause (m) or clause (n) of sub-section (2) of section 376 of the Indian Penal Code, where sexual intercourse by the accused is proved and the question is whether it was without the consent of the woman alleged to have been raped and such woman states in her evidence before the court that she did not consent, the court shall presume that she did not consent.

Explanation.— In this section, "sexual intercourse" shall mean any of the acts mentioned in clauses (a) to (4) of section 375 of the Indian Penal Code.'

27. *Substitution of new section for section 119.*— For section 119 of the Evidence Act, the following section shall be substituted, namely:—

"119. *Witness unable to communicate verbally.*— A witness who is unable to

speak may give his evidence in any other manner in which he can make it intelligible, as by writing or by signs; but such writing must be written and the signs made in open Court, evidence so given shall be deemed to be oral evidence:

Provided that if the witness is unable to communicate verbally, the Court shall take the assistance of an interpreter or a special educator in recording the statement, and such statement shall be videographed."

28. *Amendment of section 146.*— In section 146 of the Evidence Act, for the proviso, the following proviso shall be substituted, namely:—

"Provided that in a prosecution for an offence under section 376, section 376A, section 376B, section 376C, section 376D or section 376E of the Indian Penal Code or for attempt to commit any such offence, where the question of consent is an issue, it shall not be permissible to adduce evidence or to put questions in the cross-examination of the victim as to the general immoral character, or previous sexual experience, of such victim with any person for proving such consent or the quality of consent."

CHAPTER V

Amendment to the Protection of Children from Sexual Offences Act, 2012

29. *Substitution of new sections for section 42.*— For section 42 of the Protection of Children from Sexual Offences Act, 2012, the following sections shall be substituted, namely:—

"42. *Alternate punishment.*— Where an act or omission constitutes an offence punishable

under this Act and also under sections I 66A, 354A, 354B, 354C, 354D, 370, 370A, 375, 376, 376A, 376C, 376D, 376E or section 509 of the Indian Penal Code, then, notwithstanding anything contained in any law for the time being in force, the offender found guilty of such offence shall be liable to punishment under this Act or under the Indian Penal Code as provides for punishment which is greater in degree.

42A. *Act not in derogation of any other law.*— The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force and, in case of any inconsistency, the provisions of this Act shall have overriding effect on the provisions of any such law to the extent of the inconsistency.”.

CHAPTER VI

Miscellaneous

30. *Repeal and savings.*— (1) The Criminal Law (Amendment) Ordinance, 2013 is hereby repealed.

Ord. 3 of
2013.

(2) Notwithstanding such repeal, anything done or any action taken under the Indian Penal Code, the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of those Acts, as amended by this Act.

45 of 1860.
2 of 1974.
1 of 1872.

P. K. MALHOTRA,
Secretary to the Govt. of India.

Department of Personnel

Notification

1/16/2005-PER(Pt. I)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and in supersession of the existing Recruitment Rules for the post of ‘Vigilance Officer’ notified vide Government Notification No. 1/5/79-PER (Vol.II) dated 27-11-1996, in the Official Gazette, Series I No. 38 dated 20-12-1996, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Goa General Service, Group ‘B’, Gazetted post, in the Directorate of Vigilance, Government of Goa, namely:—

1. *Short title, application and commencement.*— (1) These rules may be called the Government of Goa, Directorate of Vigilance, Group ‘B’, Gazetted post, Recruitment Rules, 2013.

(2) They shall apply to the post specified in column (1) of the Schedule to these rules (hereinafter called as the “said Schedule”).

(3) They shall come into force from the date of their publication in the Official Gazette.

2. *Number, classification and scale of pay.*— The number of posts, classification of the said post and the scale of pay attached thereto shall be as specified in columns (2) to (4) of the said Schedule:

Provided that the Government may vary the number of posts specified in column (2) of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.*— The method of recruitment to the said post, age limit, qualifications and other matters connected therewith shall be as specified in columns (5) to (13) of the said Schedule.

4. *Disqualification.*— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.*— Where, the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, and in consultation with the Goa Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

6. *Saving.*— Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

These rules are issued in consultation, with the Goa Public Service Commission conveyed vide their letter No. COM/II/ /13/51(1)/2013/203 dated 26-4-2013.

By order and in the name of the Governor of Goa.

Yetindra M. Maralkar, Additional Secretary (Personnel).

Porvorim, 20th June, 2013.

SCHEDULE

Name/ Designation of the post	Number of posts	Classifi- cation	Scale of pay	Whether selection post or non- selection post	Age limit for direct recruits	Whether the benefit of added years of service is admissible under Rule 30 of CCS (Pension) Rules, 1972	Educational and other qualifica- tions required for direct recruits	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of proba- tion, if any	Method of recruitment, whether by direct recruitment or by promotion/ transfer/contract and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/ transfer, grades from which promotion/ deputation/transfer is to be made	If a D.S.C./ D.P.C. exists, what is its composition	Circum- stances in which the Goa Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Vigilance Officer. (2013) (Subject to variation depend- ent on work- load).	02	Goa General Service, Group 'B', Gaze- tted.	PB-2 Rs. 9,300- 34,800 + Grade Pay Rs. 4,600/-.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	By transfer on deputation.	Transfer on Deputation: Goa State Government Officials holding the post of Mamlat- dar/Joint Mamlatdar/ Assistant Director of Civil Supplies. (Period of deputation shall ordinarily not exceed 3 years).	N.A.	N.A.

Department of Public Health

Order

4/1/2009-IV/PHD

Sanction of the Government is hereby accorded for creation of the following additional Assistant Professor (Group 'A') posts in Goa Dental College and Hospital, Bambolim-Goa, in the specialities as under:—

Sr. No.	Name of the post	No. of post	Pay scale
GROUP 'A'			
1.	Assistant Professor in Oral Medicine and Radiology	1	PB—3 Rs. 15,600-39,100+GP: Rs. 6,600/-
2.	Assistant Professor in Orthodontics	1	PB—3 Rs. 15,600-39,100+GP: Rs. 6,600/-
3.	Assistant Professor in Periodontics	1	PB—3 Rs. 15,600-39,100+GP: Rs. 6,600/-
4.	Assistant Professor in Oral & Maxillofacial Surgery	1	PB—3 Rs. 15,600-39,100+GP: Rs. 6,600/-
5.	Assistant Professor in Oral Pathology	1	PB—3 Rs. 15,600-39,100+GP: Rs. 6,600/-
6.	Assistant Professor in Conservative Dentistry	1	PB—3 Rs. 15,600-39,100+GP: Rs. 6,600/-
7.	Assistant Professor in Prosthodontics	1	PB—3 Rs. 15,600-39,100+GP: Rs. 6,600/-
TOTAL 7 posts			

The expenditure towards the pay and allowances shall be debitable under the Budget Head 2210—Medical & Public Health; 05—Medical Education, Training & Research; 105—Allopathy; 01—Goa Dental College and Hospital (Plan); 01—Salaries.

This issues with the recommendation of Administrative Reforms Department vide their U. O. No. ARD/521/F dated 2-4-2013 and concurrence of Finance (Rev. & Cont.) Department vide their U. O. No. Fin.(R&C)/1405446-F dated 19-4-2013.

This also issues with the approval of the Cabinet conveyed by General Administration Department, Secretariat, Porvorim-Goa vide letter No. 1/20/2013-GAD-II(XXXX) dated 18-6-2013.

By order and in the name of the Governor of Goa.

Sangeeta M. Porob, Under Secretary (Health).

Porvorim, 20th June, 2013.

Department of Social Welfare

Directorate of Social Welfare

Notification

50-303-97-98-HC/Vol V

**Amendments to the Rules Regulating the
Grant of Awards for Marriage with
Disabled Persons**

1. *Short title, commencement and applicability.*— (1) These Rules shall be called Grant of Award for a Marriage with Disabled Persons (Amendment) Rules, 2013.

(2) They shall come into force from the date of publication in the Official Gazette.

(3) They shall be applicable throughout the State of Goa.

2. *Amendment to Rule 4.*— (1) In Rule 6(i) of Goa Grant of Award for Marriage with Disabled Persons Rules, 1994 (hereinafter referred to as the "Principle Rule") for the letters, figures and words "Rs. 25,000/-", the letters, figures and words "Rs. 50,000/-" shall be substituted.

By order and in the name of the
Governor of Goa.

V. M. Paranjape, Director & ex officio Jt.
Secretary (Social Welfare).

Panaji, 14th June, 2013.

Department of Transport

Directorate of Transport

Notification

D.Tpt/STA/1237/2013-14/2328

Read: Notification No. D.Tpt/STA/1237/2002-
-03/1196 dated 10-7-2003.

(1) Government of Goa is pleased to amend Clause 1 of the above Notification so as to extend the validity of the Goa Subsidy for Yellow/Black Motor Cycles, Y/B Auto-rickshaws and Y/B Taxis Scheme 2003 for a further period of five years.

By order and in the name of the
Governor of Goa.

Arun L. Desai, Director & ex officio
Additional Secretary (Transport).

Panaji, 2nd July, 2013.

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